

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                           |   |                      |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, | ) |                      |
|                           | ) |                      |
| Plaintiff,                | ) | 4:11CR3111           |
|                           | ) |                      |
| v.                        | ) |                      |
|                           | ) | MEMORANDUM AND ORDER |
| RUDOLPH DELEON,           | ) |                      |
|                           | ) |                      |
| Defendant.                | ) |                      |

The defendant has moved to continue the pretrial motion deadline. Filing No. 33. Defense counsel explains additional time is needed to conduct discovery. Based on the showing set forth in the defendant's motion, the court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's motion to continue, (filing no. 33), is granted.
- 2) The defendant's pretrial motions and briefs shall be filed on or before December 27, 2011.
- 3) Trial of this case is continued pending resolution of any pretrial motions filed.
- 4) The ends of justice served by granting defendant's motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today and December 27, 2011, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

November 23, 2011

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge